IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: the 11th day of May 2005
Criminal Misc. Bail Application No. 1047/2004
Order on the bail application of accused

CRIMINAL SIDE

Dhan Lal
S/o Shri Gabaru Lal
R/o village Bhetsem
P.S. Ukhimath
Tehsil Ukhimath
District Rudraprayag ……Applicant

Versus

State of Uttaranchal ….Opposite Party

Arising out of case crime No. 234 of 2004
U/s 147 & 302 of I.P.C.
Registered on the basis of F.I.R. dated 5.8.2004
P.S. Ukhimath
District- Rudraprayag

Hon'ble J.C.S. Rawat, J.

Heard Sri R.P. Nautiyal learned counsel for the applicant, Sri Lalit Sharma learned counsel for the complainant and learned A.G.A. for the State.

Perused the record. Co- accused has already been released on bail by the court below. It was contended on behalf of the applicant that the incident took place on 1.8.2004 and the F.I.R. was lodged on 5.8.2004. No specific role has been assigned to the applicant in the F.I.R. The learned counsel for the applicant further contended that F.I.R. was based on the information given by Km. Priyanka and Km. Nishi, who claimed to be the eye-witnesses. When the statements of these eye-witnesses were recorded on 17.8.2004 under section 161 Cr.P.C. after a lapse of 16 days, the specific role has been assigned to the applicant. The learned counsel for the applicant further contended that the information was given at Okhimath police station on 2.8.2004, which was recorded in G.D. but no case was registered. Meaning thereby, no report disclosing the cognizable offences was given there. Otherwise, the police would have lodged the F.I.R. and would have registered the case.

Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated 11.5.2005
LSR